



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 6, 2021

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VIA ECF

Hon. Andrew L. Carter, Jr.
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Jariwalla v. USCIS, et al.*, No. 21 Civ. 5198 (ALC)

Dear Judge Carter:

This Office represents the government in the above-referenced action in which the plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate her Petition for Alien Entrepreneur (Form I-526). By letter dated October 6, 2021, the government respectfully requested, with plaintiff’s consent, that the Court stay this case because statutory authorization related to the EB-5 Immigrant Investor Regional Center Program, under which plaintiff filed her petition, had expired and thus USCIS was unable to take action on the plaintiff’s Form I-526. *See* ECF No. 32. That request remains pending, and the government’s time to respond to the complaint has now expired as of October 12, 2021. I write to request that the Court extend the government’s time to respond to the complaint, *nunc pro tunc*, pending the Court’s consideration of the stay request.

Since the government filed its October 6 letter, legislation regarding the Regional Center Program has not been passed by Congress. As USCIS has done in similar instances in the past, and in light of possible statutory reauthorization, in general, USCIS is currently not taking action on regional center Forms I-526 filed on or before June 30, 2021. To allow time for Congress to take action on the potential renewal of the statutory authorization related to the program, the government respectfully requests that this case be stayed until thirty days after Congress enacts reauthorization legislation or until an application by either side to lift the stay is granted by the Court. No later than thirty days after such congressional action, the parties will confer and will file a joint status letter regarding proposed next steps in this litigation.

The plaintiff consents to this request. This is the second request to stay this action.¹

¹ This case was transferred to this District from the Central District of California on June 11, 2021. *See* ECF No. 22. Following the transfer, the government requested an on-consent extension on August 6, 2021. *See* ECF No. 30. The Court granted the request. *See* ECF No. 31. The government requested that this case be stayed by letter dated October 6, 2021. *See* ECF No. 32.

I thank the Court for its consideration of this request.

In light of the pending legislation, this case is STAYED. The government shall file a letter on the status of the legislation 30 days from today and every 30 days thereafter. The parties shall submit a joint status report no later than 30 days after congressional action. The Court extends the government's time to respond to the complaint, nunc pro tunc.


The Clerk of Court is respectfully directed to terminate the letter motions at ECF Nos. 32 and 33.

Respectfully submitted,

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cc: Counsel of Record (via ECF)

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
December 7, 2021